

**Enrolled Minutes of the Thirty-Fifth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, June 08, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, June 08, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Konnie Kuiper, and Brian Novak were present. Councilors Dan Vassar and Mark Herak were absent owing to work-associated travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Attorney discussed the professional newsletter development and graphic design services agreements that were to be considered in the current meeting.
3. The Town Council discussed the procedural requirements under the rules of order if the Town Council President wished to make a motion.
4. The Town Council and the Lieberman class action related to flooding in September of 2006 and an associated letter distributed through out town regarding residents' participation in the class action.

The study session ended at 6:56 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 08, 2009 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council Vice President Brian Novak presided, as Acting President, and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with the Town Council Acting President Brian Novak leading the pledge of allegiance to the United States Flag and with Councilor Konnie Kuiper offering a prayer.

Roll Call: Councilors Bernie Zemen, Brian Novak and Konnie Kuiper were present. Councilors Mark Herak and Dan Vassar were absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Kathleen A. Dowling, Deputy Clerk-Treasurer were present.

Lisa Gauthier, Karen Ziants and Laurel Roach of the Community Events Commission; Mark Roorda and Dennis Adams of the Town Board of Metropolitan Police Commissioners; and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

The minutes of the regular meeting of May 11, 2009 were approved by general consent.

Special Orders:

1. **Public Hearing.** Considering the matter of the proposed establishment of a *General Improvement District* to be associated with a project to improve the 2000-2001 block of Ridgewood Avenue to be known as the **Ridgewood Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order 2009-13)

- (a) Verification of Proofs of Publication. (IC 5-3-1;IC 36-9-17) The TIMES: 18 May 2009. The Town Attorney verified the proofs of publication were in order pursuant to IC 5-3-1.
- (b) Project Overview. The Public Works Director offered a Power Point TM assisted presentation outlining the project and particular sections of repair.
- (c) Public Hearing Issue: Whether the benefits that will accrue to the property liable to be assessed for the improvement will equal the maximum estimated cost of the improvement.
 1. Mary Lewis, 2101 Ridgewood, Highland, inquired about the possibility of having existing NIPSCO Electricity poles removed from the street and the power lines to be replaced under ground.
 2. Art Calvin, 2141 Ridgewood Avenue, inquired about how the reconstructed Ridgewood would be aesthetically -- particularly inquiring about the alignment of other blocks of Ridgewood with the 2000 and 2100 blocks.

Mr. Calvin further inquired as to how the Town determined which trees to remove in consequence of the project.

3. An unnamed woman from 2130 Ridgewood, Highland, inquired whether or not residents would be given notice or allowed to be present when the actual sidewalks were reviewed for their condition.
4. Mary Ann Reed, 2100 Kenilworth, inquired whether or not Idlewild and Kenilworth Avenues could be included in the General Improvement District. She further requested that a letter be sent to residents of Idlewild to inform them that they are only responsible for the repair of the sidewalk if the existing sidewalk would be in need of replacement.
5. Irene Calvin, 2101 Ridgewood, Highland, inquired about the timetable for the project's completion.
6. Ms. Reed, inquired whether or not the reconstruction project would proceed in spite of whether or not there was full neighborhood agreement regarding the project and the assessment.
7. Mr. Calvin, expressed concern about the contractor, stating his belief that roads paving seem to last only two years.

There were no further comments and the Acting President closed the hearing.

- (e) Consideration of **Works Board Order No. 2009-17**. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-17. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
Order of the Works Board No. 2009-17

AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2009-13 ENTITLED "PRELIMINARY ORDER FOR THE RIDGEWOOD AVENUE RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS"

Whereas, On May 11, 2009, the Town Council of the Town of Highland, Indiana adopted Works Board Order No. 2009-13 entitled "*Preliminary Order for Ridgewood Avenue Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements*", a copy of which is attached hereto and incorporated herein; and

Whereas, The Town Council has held a Public Hearing, after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2009-13; and

Whereas, The Town Council now desires to confirm Works Board Order No. 2009-13.

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby determines that the benefits that will accrue to the property liable to be assessed for the improvements (as defined in Works Board Order No. 2009-13) will be in excess of the maximum estimated cost of the improvement.

Section 2. That the Town Council hereby confirms Works Board Order No. 2009-13.

Section 3. That the Town Council hereby orders that the improvements be completed and hereby determines to levy special assessments against the owner of property to be benefited by the improvements in a total amount not to exceed the estimate of maximum cost for the Improvements, which assessments are to be levied upon completion of the Improvements and determined in accordance with the provisions of I.C. 36-9-36.

Be it So Ordered.

Duly adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 8th day of June 2009 by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Brian Novak, Acting President

Attest:

Michael W. Griffin, Clerk-Treasurer

EXHIBIT OF PREVIOUS WORKS BOARD ORDER ON FILE.

2. Public Hearing: Proposed Additional Appropriations in Excess of the 2009 Budgets in the **Municipal Cumulative Street Fund** in the amount of **\$25,000.00**.

(a) Attorney verification of Proofs of Publication: The TIMES 18 May 2009. The Town Attorney verified that proof of publication was in compliance with IC 5-3-1.

(b) **Public Hearing.** The Acting President called the hearing to order. There were no comments written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2009-25**: An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Municipal Cumulative Street Fund** in the amount of **\$25,000.00**.

Councilor Zemen introduced and filed Appropriation Enactment No. 2009-25. There was no further action.

3. Public Hearing: Consideration of the Proposed Disposal of the Real Improvements (Houses) located at 3315 and 3309 Ridge Road. *The Town Council authorized this at its meeting of May 11, 2009 by passage and adoption of Resolution No. 2009-23.*

- (a) Verification of the Proofs of Publication. TIMES: 23 May 2009. The Town Attorney stated that the proof of publication was in compliance with IC 5-3-1.
- (b) Public Hearing and Comment. The Acting Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Consideration of **Works Board Order No. 2009-18: An Order Regarding the Disposal and Directing the Public Works Director as Disposing Agent to act, pursuant to IC 36-1-11 et seq.** Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-18. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The works board order was adopted.

Town of Highland

Order of the Works Board No. 2009-18

An Order of the Town Council acting as the Board of Works Regarding the disposal of the real improvements on property located at 3309 Ridge Road and 3315 Ridge Road, while Retaining the land and to authorize such measures as may then be Recommended, all Pursuant to IC 36-1-11, sections 3 and 4 et seq.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality, as well as its Works Board, pursuant to IC 36-1-2 et seq., and

Whereas, The Town Council for the Town of Highland heretofore acquired certain real estate, legally described as Lot 1 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3315 Ridge Road, and Lot 2 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3309 Ridge Road in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

Whereas, The Town Council for the Town of Highland has determined that it is desirable to retain the land but to take steps to dispose of the real improvement (the houses) that are on the property;

Whereas, Pursuant to IC 36-1-11-3, disposal of real property is subject to the approval of the municipal executive and the municipal fiscal body, if the property to be disposed has an appraised value of \$50,000;

Whereas, Pursuant to IC 36-1-11-3, the approval of the disposal may not be granted without conducting a public hearing after giving notice under IC 5-3-1; and

Whereas, Pursuant to IC 36-1-11-3 (b), the Town Council President as municipal executive, shall designate a municipal board or commission to give notice, conduct the hearing and notify the executive of its recommendation;

Whereas, Pursuant to IC 36-1-11-3 (b), the Town Council President as municipal executive, did designate the Highland Town Council as the municipal board or commission to give notice, conduct the hearing and notify the executive of its recommendation;

Whereas, The Town Council, passed Resolution No. 2009-23 authorizing a public hearing which it did conduct on June 8, 2009, regarding the disposal of the real improvements while retaining the land located at located at 3315 Ridge Road and 3309 Ridge Road; and

Whereas, The Town Council now desires to make a determination and notify the executive of its recommendation regarding the disposal of the real improvements while retaining the land located at located at 3315 Ridge Road and 3309 Ridge Road,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the Town Council, as the Works Board, having conducted a public hearing on the matter of the disposal of the real improvements located at 3315 Ridge Road and 3309 Ridge Road, while retaining the land located at those same addresses, does now recommend to the Town Council President that the real improvements as herein described be properly sold, pursuant to IC 36-1-11 et seq.;

Section 2 That the Town Council, as the fiscal body, does hereby authorize and approve the disposal of the real improvements located at 3315 Ridge Road and 3309 Ridge Road, while retaining the land located at those same addresses, pursuant to IC 36-1-11-3 (c) (1);

Section 3. That the Town Council President, municipal executive, accepts the recommendation of the Works Board and authorizes and approves the disposal of the real improvements located at 3315 Ridge Road and 3309 Ridge Road, while retaining the land located at those same addresses, pursuant to IC 36-1-11-3 (b) (1);

Section 4. That the Town Council President and the Town Council hereby designate the Public Works Director as the disposing agent and direct him to take the proper and necessary steps provided in IC 36-1-11-4, as he may determine, to carry out the objects and purposes of this order.

Be it So Ordered.

DULY, PASSED, ORDERED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 8th day of June 2009 having passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for May 2009**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	90	90	0	\$890,855.00	\$9,680.00
Addit/Remodel					
Commercial	8	0	8	\$210,230.00	\$3,275.00
Addit/Remodel					
Schools/Church	0	0	0	\$0.00	\$0.00
remodel/addtn.					
Sheds	4	4	0	\$7,253.00	\$468.00
Fences	23	23	0	\$51,136.00	\$2,040.00
Garage	3	3	0	\$30,324.00	\$927.50
Decks & Porches	15	15	0	\$31,596.00	\$2,356.50
Swimming Pools	3	3	0	\$0.00	\$219.00
Misc. Permits	5	5	0	\$46,834.00	\$909.50
Misc. other	1	1	0	\$0.00	\$73.00
Signs	2	0	2	\$8,592.00	\$586.00
Fire Repair	0	0	0	\$0	\$0
Total:	154	144	10	\$1,276,820.00	\$20,534.50
Electrical Permits	26	20	6		\$2,828.50
Mechanical Permits	6	5	1	0	\$477.00
Plumbing Permits	11	9	2		\$1,183.75
Water Meters	1	1	0		\$100.00
Water Taps	0	0	0		\$0.00
Sewer Taps	0	0	0		\$0.00
Total:	12	10	2		\$1,283.75

May Code Enforcement: 208 warnings issued and 15 citations were issued.

There were 43 final building inspections, 20 plumbing inspections, and 27 electrical inspections. There was one electrical exam given.

• **Fire Department Report for May 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	9	50	59	
Car Fires	0	6	7	
Still Alarms	9	36	32	
Ambulance calls	0	0	1	

• **Workplace Safety Report for May 2009**

There were no incidents reported in May. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	0	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	4	8	0	0	0	21
Street	0	0	6	0	0	3	2
Water & Sewer	0	1	6	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	0	5	25	0	0	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. Legislative appointment to the Municipal Plan Commission. *Owing to a change in Work Schedule, Councilor Brian Novak has resigned his appointment to the Plan Commission. Three of the seven members of the Plan Commission are appointed by the Town Council. These appointees must either be an elected or appointed official of the Town or an employee of the Town.*

Councilor Zemen moved the appointment of the Town Councilor **Dan Vassar**. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. Councilor Vassar was appointed.

Unfinished Business and General Orders:

1. **Appropriation Enactment No. 2009-24:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq. Councilor Zemen introduced and filed the enactment. There was no further action.
2. **Resolution No. 2009-26:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Office of the Town Council of the Corporation General Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. Councilor Zemen moved the passage and adoption of Resolution No. 2009-26. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-26

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the OFFICE of the TOWN COUNCIL OF THE CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Office of the Town Council of the Corporation General Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Office of the Town Council of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Office of the Town Council

Reduce Account #390.08 Interest on TAW Loan.	\$ 50,500.00
<i>Total 300 Series Reductions</i>	\$ 50,500.00
 Increase Account #400.01 Land Purchase	 \$ 50,500.00
<i>Total 400 Series Increases</i>	<i>\$ 50,500.00</i>
 Total of All Fund Decreases:	 \$ 50,500.00
Total of All Fund Increases:	\$ 50,500.00

DULY RESOLVED and ADOPTED this 8th Day of June 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Resolution No. 2009-27:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Metropolitan Department of the Corporation General Fund** and the **Law Enforcement Continuing Education, Training and Supply Fund**, as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. Councilor Zemen moved the passage and adoption of Resolution No. 2009-27. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-27

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT OF THE CORPORATION GENERAL FUND AND

THE LAW ENFORCEMENT CONTINUING EDUCATION AND SUPPLY FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Metropolitan Police Department of the Corporation General Fund** and the **Law Enforcement Continuing Education and Supply Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Metropolitan Police Department of the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account #210.01 Gasoline	<u>\$ 4,000.00</u>
<i>Total 200 Series Reductions</i>	\$ 4,000.00
 Increase Account #430.12 Police Vehicles	 <u>\$ 4,000.00</u>
<i>Total 400 Series Increases</i>	 \$ 4,000.00
 Total of All Fund Decreases:	 \$ 4,000.00
Total of All Fund Increases:	\$ 4,000.00

Section 3. That it has been shown that certain existing appropriations of the **Law Enforcement Continuing Education and Supply Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

LAW ENFORCEMENT CONTINUING EDUCATION & SUPPLY FUND

Reduce Accounts #214.01 Range Supplies	<u>\$ 1,250.00</u>
<i>Total 200 Series Reductions</i>	\$ 1,250.00
 #370.01 Equipment	 <u>\$ 3,000.00</u>
<i>Total 300 Series Reductions</i>	 \$ 3,000.00
 Increase Account #430.12 Police Vehicles	 <u>\$ 4,250.00</u>
<i>Total 400 Series Increases</i>	 \$ 4,250.00
 Total of All Fund Decreases:	 \$ 4,250.00
Total of All Fund Increases:	\$ 4,250.00

DULY RESOLVED and ADOPTED this 8th Day of June 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2009-28:** A Resolution Authorizing the Town of Highland, Indiana to Enter into an Agreement with the County of Lake, Indiana in Undertaking Community Development Activities. Councilor Zemen moved the passage and adoption of Resolution No. 2009-28. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
TOWN COUNCIL RESOLUTION NO. 2009-28**

A RESOLUTION AUTHORIZING the TOWN of HIGHLAND, INDIANA to ENTER INTO an AGREEMENT with the COUNTY of LAKE, INDIANA in UNDERTAKING COMMUNITY DEVELOPMENT ACTIVITIES

Whereas, The Town of Highland, Indiana is interested in a program of Community Development; and

Whereas, It is necessary for the Town of Highland, to obtain funds to achieve such goals and objectives as provided by the Housing and Community Development Act of 1974 as amended; and

Whereas, Said Act encourages municipalities to enter into Cooperation Agreements with the County regarding said Act; and

Whereas, The County of Lake has expressed its desire to qualify as an Urban County under the provisions of the aforesaid Act;

NOW, THEREFORE IT IS HEREBY RESOLVED by the Town Council of the Town of Highland, County of Lake , Indiana as follows:

Section 1. That the cooperation agreement for the purpose of undertaking essential community development activities as a participating unit of general local government for a term of three (3) years covering the **Federal fiscal years 2010, 2011 and 2012**, by and between the County of Lake, State of Indiana through its Board of Commissioners and the Town of Highland, by its Town Council is hereby approved in each and every respect;

Section 2. That the President of the Town Council is hereby authorized and directed to evidence this approval by entering into the agreement with the County of Lake, State of Indiana, for the purpose of undertaking essential community development activities as a participating unit of general local government, a copy of which Agreement is attached hereto, incorporated herein by reference and identified as "Exhibit A".

Passed and Duly Adopted by the Town Council, Lake County, Indiana this 8th day of June 2009. Having been approved by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Resolution No. 2009-29:** A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING INTEREST EXPENSE FOR TEMPORARY LOANS AND THE IMPORTANCE OF ESTABLISHING A TIMELY TRANSMISSION OF PROPERTY TAX BILLS. Councilor Zemen moved the passage and adoption of Resolution No. 2009-29. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**HIGHLAND TOWN COUNCIL
Resolution No 2009-29**

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING INTEREST EXPENSE FOR TEMPORARY LOANS AND THE IMPORTANCE OF ESTABLISHING A TIMELY TRANSMISSION OF PROPERTY TAX BILLS

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, Municipalities are dependent on the timely receipt of a variety of revenue sources, including real estate property taxes, to efficiently and effectively perform the duties and meet the obligations of local government; and

WHEREAS, Since 2003, the process that leads to the transmission of timely property tax assessments, and bills has been protracted affecting delays in the collection of property taxes and the distribution to local governments;

WHEREAS, In part owing to the delays described herein, the Town of Highland has issued tax anticipation warrants, to provide for cash flow in order to meet the debt service obligations and ordinary operating expenses of the municipality;

WHEREAS, In consequence of the issuance of tax anticipation warrants, the Town of Highland suffered the payment of interest during the following years and amounts:

	FY 2003: \$ 58,105.90
	FY 2004: \$ 13,008.40
	FY 2005: \$ 169,463.34
	FY 2006: \$ 162,629.33
	FY 2007: \$ 118,683.29
	FY 2008: \$ 184,301.15
Total:	\$ 706,191.41

WHEREAS, In consequence of the Town of Highland paying this interest, over seven hundred thousand dollars was arrogated and not available to support the performance of municipal functions;

WHEREAS, The cost of financing cash flow demonstrates the importance of having timely property tax assessments leading to the timely collection and distribution of property taxes;

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, and Nation, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases apply to the United States Congress for redress of grievances, all for the betterment of government; and

WHEREAS The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that it is the sense of the Town Council of Highland, as follows:

Section 1. That the urges in the following officers to perform the following tasks with all deliberate speed:

- (A) That the County and Township assessing officials complete the required property values ratio study in a manner that is fair, just and equitable and will be approved by the Commissioner of the Indiana Department of Local Government Finance;
- (B) That the Commissioner of the Indiana Department of Local Government Finance approve the ratio study without undue delay;
- (C) That, upon the forgoing approval, the County and Township assessing officials "roll" or transmit to the Lake County Auditor the assessed values and that then the Lake County Auditor certify these assessed values in a manner that will be approved by the Commissioner of the Indiana Department of Local Government Finance;
- (D) That, upon receipt of the certified assessed values, the Commissioner of the Indiana Department of Local Government Finance approve the several budget orders for the several municipal governments without undue delay;
- (E) That, upon the approval of the several budget orders, the Lake County Treasurer process and issue property tax bills and upon collection, distribute revenues to the several local and other governments, without undue delay;

Section 2. That since there will be no property tax replacement credit (PTRC) moneys available for advance to local governments owing to the several tax reforms adopted by the Indiana General Assembly, it is further requested that the proper officer manage investments in such a manner that motor vehicle excise taxes be made available and upon the proper requests, drawn in advance of the annual settlement pursuant to I.C. 5-13-6-3(b); I.C. 6-6-5-10 (b);

DULY RESOLVED and ADOPTED this 8th Day of June 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Brian Novak, Acting President (IC 36-5-2-10)

Attest:
Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2009-19:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Christenson Chevrolet for One (1) 2009 Chevrolet Impala Police Car with Special Police Equipment Package, pursuant to IC 5-22 and §31.18(C) and §31.20 (F) of the Municipal Code. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-19. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
TOWN COUNCIL RESOLUTION NO. 2009-28

A RESOLUTION AUTHORIZING the TOWN of HIGHLAND, INDIANA to ENTER INTO an AGREEMENT with the COUNTY of LAKE, INDIANA in UNDERTAKING COMMUNITY DEVELOPMENT ACTIVITIES

Whereas, The Town of Highland, Indiana is interested in a program of Community Development; and

Whereas, It is necessary for the Town of Highland, to obtain funds to achieve such goals and objectives as provided by the Housing and Community Development Act of 1974 as amended; and

Whereas, Said Act encourages municipalities to enter into Cooperation Agreements with the County regarding said Act; and

Whereas, The County of Lake has expressed its desire to qualify as an Urban County under the provisions of the aforesaid Act;

NOW, THEREFORE IT IS HEREBY RESOLVED by the Town Council of the Town of Highland, County of Lake , Indiana as follows:

Section 1. That the cooperation agreement for the purpose of undertaking essential community development activities as a participating unit of general local government for a term of three (3) years covering the **Federal fiscal years 2010, 2011 and 2012**, by and between the County of Lake, State of Indiana through its Board of Commissioners and the Town of Highland, by its Town Council is hereby approved in each and every respect;

Section 2. That the President of the Town Council is hereby authorized and directed to evidence this approval by entering into the agreement with the County of Lake, State of Indiana, for the purpose of undertaking essential community development activities as a participating unit of general local government, a copy of which Agreement is attached hereto, incorporated herein by reference and identified as "Exhibit A".

Passed and Duly Adopted by the Town Council, Lake County, Indiana this 8th day of June 2009. Having been approved by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2009-20:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Harley-Davidson of Valparaiso, Inc. a 2003 Harley-Davidson FLHP Police Edition Road King with full accessories, pursuant to I.C. 5-22, and §31.18(C) and §31.20 (G) (I) of the Municipal Code. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-20. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2009-20

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Harley-Davidson of Valparaiso, Inc. a 2003 Harley-Davidson FLHP Police Edition Road King with full accessories, pursuant to I.C. 5-22.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$25,000.00. The purchase of a new model motorcycle is financially out of reach; however, an opportunity has arisen which enables a purchase of a like new motorcycle for less than half the cost, pursuant to Section § 31.20 (I) (6) of the Highland municipal code;

Whereas, The Metropolitan Police Chief has identified Harley-Davidson of Valparaiso, Inc. to be a desirable source vendor for the purchase of one (1) Harley-Davidson FLHP Police Edition Road King Motorcycle, fully equipped, at a unit price of \$12,250.00

Whereas, The price for the purchase exceeds \$10,000.00 and, pursuant to §31.18(c) as well as §31.19(B) (1) (b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(3) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to §31.20(G) of the Highland Municipal Code, expected that the purchase would not be in excess of \$25,000.00 and therefore, would like to purchase in the open market in accordance with §31.20(G) of the Highland Municipal Code; and

Whereas, The Purchasing Agent, pursuant to Section §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5, further believes that the purchase qualifies as a special purchase, as there exists a unique opportunity to obtain this motorcycle at a substantial savings to the governmental body; and

Whereas, The purchase of the police motorcycle will be supported by appropriations in the Metropolitan Police Department of the General Fund and the Federal Seized and Asset Forfeiture Fund.

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1: That the Works Board hereby finds and determines that the purchase as an individual purchase represents **both** a duly executed small purchase pursuant to IC 5-22 and §31.20(G)(2) of the Highland Municipal Code and a special purchase pursuant to Section §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5, offering a unique opportunity to obtain this motorcycle at a substantial savings to the governmental body;

Section 2: That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of June 2009 having passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Works Board Order No. 2009-21:** An Order of the Works Board Approving the 45th Avenue Improvement Project and Approving and Authorizing An agreement between First Group Engineering, Inc., and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-21. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2009-21

AN ORDER OF THE WORKS BOARD APPROVING THE 45TH AVENUE IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN FIRST GROUP ENGINEERING, INC., AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF.

Whereas, The Town Council, as the Works Board of the municipality, has heretofore determined that a need exists to repave or improve Forty-Fifth Avenue between Kennedy Avenue and Kleinman Avenue and to procure design engineering services associated with said street paving and related improvements, to be known as the **45th Avenue Improvement Project**;

Whereas, First Group Engineering, Inc., has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed periodically, according to a schedule identified in Appendix D of the agreement, based upon a lump sum of the value of the engineering services completed, in an estimated amount not to exceed thirty-five thousand, five hundred twenty Dollars (\$35,520); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Public Works Director is hereby authorized and approved to proceed with the project to repave or improve Forty-Fifth Avenue between Kennedy Avenue and Kleinman Avenue to be known as the **45th Avenue Improvement Project**;

Section 2 That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between First Group Engineering, Inc., and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed amount of thirty-five thousand, five hundred twenty Dollars (\$35,520) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Town Council, believes that First Group Engineering, Inc., has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement, pursuant to *I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code*;

Section 5. That the proper officers of the Town are authorized to execute the Agreement with their signatures as attested thereto by the Clerk-Treasurer.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 8th day of June 2009 having passed by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, Acting President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

9. **Works Board Order No. 2009-22:** An Order of the Works Board Approving and Authorizing An agreement between Idea Factory, and the Town of Highland to perform Communications Media Design, composition and related professional services in support Thereof. Councilor Zemen moved the passage and adoption of the Works Board Order approving agreements with Robin Carlascio and Maria Perez-Braun d.b.a as the Idea Factory to perform newsletter services. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland
Board of Works
Order of the Works Board No. 2009-22

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin Carlascio and Maria Perez-Braun, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has consented to provide professional services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin Carlascio**, and the Town of Highland, to provide to provide professional services to assist and support the provision of greater information to the public regarding the operations and services of the municipality for the period beginning *1 May 2009 through to 31 December 2009* as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of *\$500 per issue*, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice, and other related services are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 31.62 of the municipal code;

Section 3. That the agreement (incorporated by reference and made a part of this Order) between **Maria Braun-Perez**, and the Town of Highland, to provide to provide professional services to assist and support the provision of greater information to the public regarding the operations and services of the municipality for the period beginning *1 May 2009 through to 31 December 2009* as described herein is hereby approved, adopted and ratified in each and every respect;

Section 4. That the charges under the agreement for the services, in the amount of *\$150 per issue*, which includes designing a monthly newsletter to be distributed as an insert in the monthly utility invoice, and other related services are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 31.62 of the municipal code;

Section 5. That the charges under the terms of the agreement for all the services, will be paid to Robin Carlascio and Maria Perez-Braun, d.b.a The Idea Factory, after presentation of an invoice for services, following their delivery;

Section 6. That the Town Council President be authorized to execute these agreements under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of June 2009 having passed by a vote of 3 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**
Brian Novak, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Exhibits

AGREEMENT

This Agreement made and entered into this 8th day of June, 2009 by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL**, (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO**, (hereinafter referred to as "Robin").

WITNESSETH THAT:

WHEREAS, the Town is interested engaging the services of Robin for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Robin is interested in entering into such an agreement and engaging her services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, the parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Robin agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.

2. The term of this Agreement shall be for one (1) year provided; however, the initial term shall be from May 1, 2009 through December 31, 2009. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.

3. Robin shall be paid for her services rendered pursuant to this Agreement, the sum of \$500.00 per issue.

4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.

5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Robin, this Agreement shall become null and void.

6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 8th day of June, 2009.

TOWN OF HIGHLAND

ROBIN

By:

Dan Vassar, President

Robin Carlascio

Attest:

Michael W. Griffin, Clerk-Treasurer

AGREEMENT

This Agreement made and entered into this 8th day of June, 2009 by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL**, (hereinafter referred to as the "Town"), and **MARIA BRAUN-PEREZ**, (hereinafter referred to as "Maria").

WITNESSETH THAT:

WHEREAS, the Town is interested engaging the services of Maria to design the monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Maria is interested in entering into such an agreement and engaging her services to design the monthly newsletter within the Town; and

WHEREAS, the parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Maria agrees to design the monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.
2. The term of this Agreement shall be for one (1) year provided; however, the initial term shall be from June 1, 2009 through December 31, 2009. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.
3. Maria shall be paid for her services rendered pursuant to this Agreement, the sum of \$150.00 per issue.
4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.
5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Maria, this Agreement shall become null and void.
6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 8th day of June, 2009.

TOWN OF HIGHLAND

MARIA

By: _____
Dan Vassar, President

Maria Braun-Perez

Attest: _____
Michael W. Griffin, Clerk-Treasurer

10. Proposed Ordinance No. 1426: An Ordinance to Amend Chapter 190 of the Highland Municipal Code Regarding the Department of Waterworks by Amending portions of Section §190.11 regarding Rates and Charges, all pursuant to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 et sequitor. At its meeting of May 28, 2009, the Board of Waterworks Directors approved certain non recurrent fee changes and transmitted this ordinance for the consideration of the Town Council. The Town Council must conduct a public hearing before it finally considers the ordinance as introduced. *Councilor Zemen introduced and filed Ordinance No. 1426. There was no further action.*

11. Proposed Ordinance No. 1427.1375-J: AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA. *Councilor Zemen introduced and filed Ordinance No. 1427.1375-J. There was no further action.*

12. Instruct the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2009 Budget for several funds. Councilor Zemen moved to instruct the proper officer to publish legal notice in order to conduct a public hearing on proposed additional appropriations in several departments of the Corporation General Fund, the Motor Vehicle Highway Fund, the Park and Recreation (General) Fund, the Redevelopment General Fund, the Law Enforcement Continuing Education Fund, the Select Centennial Commission Fund and the Special Events Non Reverting Fund of the municipality. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The publication and hearing was authorized.

13. Cancellation of Regular Study Session of June 15, 2009, pursuant to Section § 30.27 (c) of municipal code. *Councilor Zemen moved that the regular study session of the Town Council of Monday, June 15, 2009 be cancelled. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The study session was cancelled.*

**Comments from the Town Council Members
(Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Chamber of Commerce Co-Liaison • Lake County Solid Waste Management District Board of Directors • President's designee to Selection Centennial Commission.*

Councilor Zemen invited everyone to tune into his show on the Radio Station WJOB, at 8:30 a.m. on second Tuesday of the month. He also reported through the Metropolitan Police Chief on the cooperative efforts of the Volunteers in Policing and the Building and Inspection Department on Junk Vehicle enforcement and the work of the police and fire departments in seeking several grants.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper commented favorably on the acquisition of the motorcycle by the police department. He further commented on an incident in which his 4 year old grand daughter had fallen down the steps and an ambulance was involved. He further commented favorably how the police officer who responded called him back to give a progress report on the incident.

- **Councilor Brian Novak:** *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member.*

Councilor Novak had no comments.

Comments from the Public or Visitors.

1. Ray Goodrich, 3728 42nd Place, Highland, inquired about a letter associated with the September 20 lawsuit filed against the town, asking about whether or not it was true that recipients of the letter had to respond in order not to be included in the plaintiff class.
2. Vern Sieb, 3024 Lakeside Drive, Highland, noting that in consequence of his recent application for appointment to a municipal board, he reviewed documents which included the Compensation and Benefits Ordinance (Employees Handbook). He noted that he was not appointed. He further expressed a concern about the work hours of the Clerk-Treasurer based upon his belief that the Compensation and Benefits Ordinance sets a 40 hour work week for municipal employees. He further indicated his concern whether or not the Clerk-Treasurer maintained what he termed "regular business hours." With leave from the Town Council, a colloquy ensued between the Clerk-Treasurer and Mr. Sieb. It was noted that the particular provision in the Compensation and Benefits Ordinance did not apply to the elected officers of the Town, which would include the clerk-treasurer. It was further noted that in most cases the Clerk-Treasurer actually works more than a forty-hour work week, which includes attendance at evening meetings, attendance as a commissioner for the Northwestern Indiana Regional Plan Commission and related associations. Mr. Sieb opined that while elected, the Clerk-Treasurer is really an employee.

3. Laurel Roach, 9026 Park Place, Highland asked that Councilor Zemen announce on his radio program that Clydesdale horses would be a feature of the 2009 Independence Day Festival.
4. Ray Goodrich, 3728 42nd Place, Highland, referenced an article in the recent Town newsletter, "Gazebo Express, which discussed the possible relocation of the Town Hall, and suggested that the Town Council consider the now vacant former location of the Calumet Council of the Girls Scouts Service Center 2900 Block of Highway Avenue.
5. Vern Sieb, 3024 Lakeside Drive, Highland, expressed his belief that the Town Council has considered the Girl Scout Service Center and rejected it.

Payment of Accounts Payable Vouchers. There being no further business from the public or visitors, Councilor Zemen moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 12, 2009 through to June 08, 2009. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$521,661.65; Motor Vehicle Highway and Street (MVH) Fund, \$44,045.15; Local Road and Street (LRS) Fund, \$138,001.41; Forfeited and Seized Assets Fund, \$308.71; Law Enforcement Continuing Education and Training Fund, \$145.40; Corporation Bond and Interest Fund, \$18,436.190; Flexible Savings Account (FSA) Agency Fund, \$1,073.22; Insurance Premium Fund, \$108,259.81; Information and Communications Technology Fund, \$14,276.95; Civil Donation Fund, \$1,503.10; Police Pension Fund, \$58,252.55; General Improvement Fund, \$147.00; Traffic Violation Agency Fund, \$3,676.50; Safe Neighborhood Grant Fund, \$40,01.73; Total: \$949,807.37.

Adjournment. Councilor Zemen moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of **Monday, June 08, 2009** was adjourned at 8:34 O'clock p.m. There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer